

Hon. Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KINSALE INSURANCE COMPANY, a  
foreign insurer

Plaintiff,

v.

RUFF CONSTRUCTION INC., f/k/a RUFF  
CONSTRUCTION & MAINTENANCE,  
INC., a Washington corporation; and JOSE  
FRANCISCO MORALES OLGUIN, an  
individual,

Defendants.

No. 2:22-cv-1045 TSZ

**DECLARATION OF KEVIN J. KAY IN  
SUPPORT OF KINSALE INSURANCE  
COMPANY'S RESPONSE IN  
OPPOSITION TO DEFENDANT  
OLGUIN'S MOTION FOR JOINDER OF  
TRINITY SHEET METAL, INC.**

I, KEVIN J. KAY, hereby declare as follows.

1. I am an attorney of record for Kinsale Insurance Company (Kinsale) in this action.

I am over the age of eighteen (18) years, I am competent to testify in this matter and I make this declaration based on my direct personal knowledge and on the records and files maintained by Lether Law Group in the ordinary course of business.

2. Kinsale and Ruff Construction Inc., f/k/a Ruff Construction & Maintenance, Inc. (Ruff), have come to the agreement that there is no coverage available for the claims against Ruff in the lawsuit that underlies this matter. Ruff has also agreed to withdraw its tender for

1 defense and indemnity of the lawsuit that underlies this matter.

2 3. Attached hereto as **Exhibit A** to a true and correct copy of the Executed  
3 Settlement and Release Agreement between Kinsale and Ruff.

4 I DECLARE PURSUANT TO THE LAWS OF PERJURY OF THE STATE OF  
5 WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

6 Signed this 24<sup>th</sup> day of April, 2023 in Seattle, King County, Washington.

7  
8 /s/ Kevin J. Kay  
9 Kevin J. Kay, WSBA #34546  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**CERTIFICATE OF SERVICE**

The undersigned hereby certify under the penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the parties mentioned below as indicated:

Derek Moore, WSBA #37921  
Bishop Law Office PS  
19743 1<sup>st</sup> Ave S.  
Normandy Park, WA 98148-2401  
[Derek@bishoplegal.com](mailto:Derek@bishoplegal.com)  
206-592-9000  
*Counsel for Jose Olguin*

**By:** ☐ **First Class Mail** ☒ **ECF**

DATED this 24th day of April 2023 at Seattle, Washington.

/s/ Nico Schulz  
Nico Schulz | Paralegal